

Entered -03-27-01 - sb
CL 01L0191 - GWENDOLYN BURNS

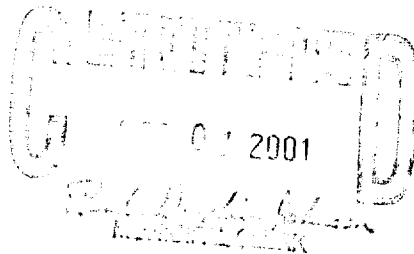
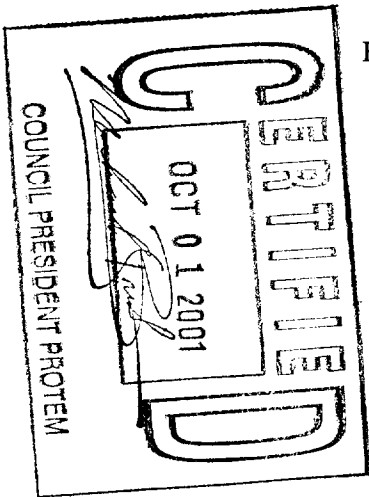
01- -1548

CLAIM OF: JOSEPH A. MARASIA
740 Sydney Marcus Blvd, NE, Apt. 5004
Atlanta, Georgia 30324

For vehicular damages alleged to have been sustained from driving over
a sign that had fallen into the roadway on March 6, 2001 at 1545
Peachtree Road, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY Robert N. G. DCA



SEP 25 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: **SEP 25 2001**

V-CHAIR: Clara Wilson
Wesley
Henry Dasey



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

October 3, 2001

Joseph A. Marasia
740 Sydney Marcus Blvd, NE, Apt. 5004
Atlanta, Georgia 30324

01-R-1548

Dear Mr. Marasia:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 1, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0191

Date: September 14, 2001

Claimant /Victim JOSEPH A. MARASIA
BY: (Atty) (Ins. Co.) _____
Address: 740 Sydney Marcus Boulevard, NE, Apt. 5004, Atlanta, Georgia 30324
Subrogation: _____ Claim for Property damage \$ 2,415.89 Bodily Injury \$ _____
Date of Notice: 3/16/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/6/01 Place: 1545 Peachtree Road, NE
Department PUBLIC WORKS Division Traffic and Transportation Services
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when he drove over a sign that had fallen in the roadway. However, an investigation determined that the City did not have notice of this problem prior to claimant's incident. The operation and maintenance of street signs, markings and traffic control devices are governmental functions and the City is protected by sovereign immunity as set forth in O.C.G.A §36-33-1.

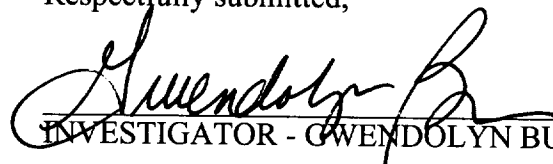
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

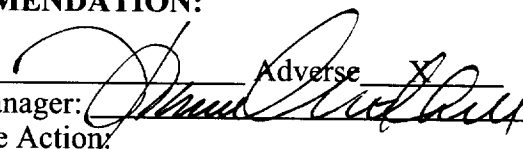
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 09-14-01
Committee Action: _____ Council Action _____

RCS# 3142
10/01/01
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y McCarty
Y Starnes
Y Bond
B Winslow

Y Dorsey
Y Wooldard
Y Morris
Y Muller

Y Moore
B Martin
NV Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1018

CONSENT

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10/01/01 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 01-O-1570	39. 01-R-1529
2. 01-O-1571	40. 01-R-1530
3. 01-O-1354	41. 01-R-1531
4. 01-O-1488	42. 01-R-1532
5. 01-O-1335	43. 01-R-1533
6. 01-O-1336	44. 01-R-1534
7. 01-O-1337	45. 01-R-1535
8. 01-O-1342	46. 01-R-1536
9. 01-O-1343	47. 01-R-1537
10. 01-O-1344	48. 01-R-1538
11. 01-O-1345	49. 01-R-1539
12. 01-O-1346	50. 01-R-1540
13. 01-O-1119	51. 01-R-1541
14. 01-O-1351	52. 01-R-1542
15. 01-O-1572	53. 01-R-1543
16. 01-R-1588	54. 01-R-1544
17. 01-R-1273	55. 01-R-1548
18. 01-R-1276	56. 01-R-1549
19. 01-R-1428	57. 01-R-1550
20. 01-R-1456	58. 01-R-1551
21. 01-R-1471	59. 01-R-1552
22. 01-R-1499	60. 01-R-1553
23. 01-R-1580	61. 01-R-1554
24. 01-R-1581	62. 01-R-1555
25. 01-R-0921	63. 01-R-1556
26. 01-R-1561	64. 01-R-1557
27. 01-R-1584	65. 01-R-1558
28. 01-R-1521	66. 01-R-1559
29. 01-R-1522	67. 01-R-1560
30. 01-R-1523	
31. 01-R-1524	
32. 01-R-1525	
33. 01-R-1526	
34. 01-R-1527	
35. 01-R-1528	
36. 01-R-1545	
37. 01-R-1546	
38. 01-R-1547	
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